

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIM L. CRAFT,

PLAINTIFF,

v.

CASE NO. 07-10824

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

HONORABLE SEAN F. COX

DEFENDANT.

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OPINION & ORDER
ACCEPTING AND ADOPTING REPORT & RECOMMENDATION

This social security appeal is before the Court for consideration of Plaintiff's objections to the Report and Recommendation ("R&R") filed by Magistrate Judge Virginia M. Morgan on February 27, 2008. In the R&R, Magistrate Judge Morgan recommends that the Commissioner's Motion for Summary Judgment be granted and that Plaintiff's complaint be dismissed with prejudice. For the reasons that follow, the Court overrules the objections filed by Plaintiff and shall adopt the R&R in its entirety.

On February 23, 2007, Plaintiff Kim L. Craft ("Plaintiff" or "Craft") brought this *pro se* action seeking judicial review of Defendant's final decision denying Plaintiff's request for waiver of recovery of a disability insurance benefits overpayment of approximately \$42,000.00.

After the action was filed, this Court referred the action to Magistrate Judge Morgan for issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (Docket Entry No. 4). On August 21, 2007, Magistrate Judge Morgan issued a Scheduling Order wherein she ordered that the parties shall file cross-motions for summary judgment, along with

briefs in support of same. (Docket Entry No. 14). Specifically, Magistrate Judge Morgan ordered that: 1) “Plaintiff’s motion is due on or before October 3, 2007” and 2) “Defendant’s motion is due on or before November 2, 2007.” (*Id.*).

Plaintiff, however, did not file a motion seeking summary judgment.

Defendant filed its Motion for Summary Judgment on November 2, 2007. (Docket Entry No. 15). Plaintiff did not file a brief in opposition to Defendant’s Motion for Summary Judgment.

On February 27, 2008, Magistrate Judge Morgan issued her R&R, wherein she recommended that the Commissioner’s Motion for Summary Judgment be granted and that the Plaintiff’s complaint be dismissed with prejudice.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within ten (10) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

On or about March 10, 2008, Plaintiff filed a *pro se* submission that the Court will treat as objections to the R&R. On June 9, 2008, Defendant filed a response to the objections, pursuant to this Court’s order. (Docket 18).

Plaintiff’s “objections to the R&R” do not address Magistrate Judge Morgan’s conclusion that Defendant’s Motion for Summary Judgment should be granted because substantial evidence exists to support the ALJ’s determination. Rather, Plaintiff asks the Court to review numerous attachments, many of which are not part of the administrative record and

therefore cannot be considered by the Court. Plaintiff's submission to the Court also makes a number of statements regarding statistics concerning brain injuries that simply have no relation to the issues in this case or the R&R. Thus, after reviewing Plaintiff's submission, the Court concludes that Plaintiff's objections to the R&R lack merit.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the February 27, 2008 R&R. **IT IS ORDERED** Defendant's Motion for Summary Judgment is **GRANTED. IT IS FURTHER ORDERED** that Plaintiff's Complaint be **DISMISSED WITH PREJUDICE. IT IS SO ORDERED.**

S/ Sean F. Cox
United States District Judge

Date: July 2, 2008

I hereby certify that on July 2, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Kim L. Craft
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Detroit, MI 48205

S/ Jennifer Hernandez
Case Manager